

CULTURAL RESOURCE INVENTORY

GENERAL GUIDELINES

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CONTENTS

I. INTRODUCTION 1

II. GENERAL PROCEDURES 1

A. Responsibilities 1

1. Proponent 1

2. Contract Archaeologist 2

3. BLM Archaeologist 2

4. BLM Managers 2

B. Costs 2

C. Planning 3

1. Pre-field work Phase 3

2. Field work Phase 3

3. Post-field work Phase 4

4. Section 106 Process 4

D. Native American Consultation 5

E. Permit Requirements 5

F. Project Authorization 5

G. Local Requirements 6

III. INVENTORY REQUIREMENTS 6

IV. INVENTORY PROCEDURES 6

A. Data Review/Records Search Requirements 6

B. Inventory Intensity 7

1. Class I Inventory 7

2. Class II Inventory 7

3. Class III Inventory 7

C. Reconnaissance Survey 8

D. Data Recording 8

1. Information Needs 8

2. Recordation Forms 9

3. Collection 10

E. Non-Federal Lands 11

V. INVENTORY RESULTS 11

A. Eligibility Determinations 11

B. Effect Determination 12

1. Effect 12

2. Adverse Effect 12

3. No Effect 13

C. Management Recommendations 13D. Initial Reports 13E. Draft/Final Reports 14F. Maps 14G. Photographs/Drawings 15

VI. CULTURAL RESOURCE USE PERMITS 15

A. Permit Types 15

1. Non-collection or Recordation Permits 15

2. Survey or Limited Testing Permits 16

3. Excavation Permits 16

B. Application Procedures 16

C. Qualifications 16

1. Organizational Qualifications 172. Individual Qualifications 17

3. Other Requirements 19

D. Curation 19E. Compliance 19

VII. REVIEW AND ADMINISTRATION 19

A. Review 19B. Section 106 Submissions 20

C. Addenda 20

APPENDICES

Appendix 1 Inventory Forms/Instructions 21Appendix 2 Report Formats 27

Appendix 3 Cultural Resource Use Permit Forms 32**Appendix 4 Minerals 38****Appendix 5 Law and Policy 40****Appendix 6 Definitions 41****Appendix 7 Curation Facilities 43****Appendix 8 SHPO/ACHP Submission Format 44**

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I. INTRODUCTION

The BLM is required by laws, regulations, and directives (Appendix 5) to preserve cultural resources. Inventories are done to meet a variety of BLM management needs, such as compliance with the National Environmental Protection Act of 1969 (NEPA), gathering baseline resource data mandated by the Federal Land Policy Management Act of 1976 (FLPMA), resource management planning, and compliance with the National Historic Preservation Act of 1966 (NHPA). These guidelines focus on compliance with the NHPA, however, they are generally applicable to all inventories regardless of purpose.

The NHPA directs the BLM to ensure that Bureau initiated or authorized actions do not inadvertently disturb or destroy significant cultural resource values. Significance (36 CFR) is a quality of cultural resource properties that meet the criteria for inclusion in the National Register of Historic Places. Significance is determined by the BLM in consultation with the State Historic Preservation Officer (SHPO) and the Keeper of the National Register. Effect determinations and treatment planning is done by the BLM in consultation with the SHPO and the Advisory Council on Historic Preservation (ACHP).

The eligibility determination and consultation process is guided by Section 106 of the NHPA (36 CFR, 63, and 800). Inventory to identify, evaluate, and mitigate potential effects to significant historic properties affected by a proposed BLM action is the first step in the Section 106 process. BLM actions cannot be authorized until the Section 106 process is completed (36 CFR 800.3).

These guidelines are comprehensive instructions for conducting cultural resource inventories on BLM administered land in Nevada and for other lands affected by BLM surface disturbing actions, or actions in which the BLM relinquishes title to lands (P.L. 96-515, Sections 206 and 207). They further implement Federal policy to protect cultural resources on Federal, State, and private lands affected by BLM actions in Nevada.

All parties (proponent, contract archaeologist, and BLM staff) involved in proposed land uses, actions or undertakings should be thoroughly familiar with these guidelines and will comply with all relevant provisions.

II. GENERAL PROCEDURES

A. Responsibilities

1. Proponent: With certain exceptions (Appendix 4) the proponent of an action is responsible for funding cultural resource inventories for actions on BLM lands that may include surface disturbing activities or transfer of title from Federal ownership. For actions involving both BLM and non-BLM lands, inventories of the non-BLM lands may also be required.

The proponent is responsible for obtaining permission to conduct cultural resource inventories on non-BLM lands affected by the proposed action.

With certain exceptions (Appendix 4) the proponent is responsible for clearly marking the land use area on the ground by staking, flagging or some other visible means in advance of cultural resource inventories. If this is not done, and doubts subsequently arise about the location of the inventoried ground, re-inventory may be required before the project can proceed. For linear projects, flags must be clearly visible from one point to the next from either direction.

The proponent is responsible for complying with all stipulations in any BLM approved treatment plan relating to the proposed action, and with certain exceptions (Appendix 4) is responsible for funding and implementing the treatment plan.

The proponent is not responsible for making Section 106 submissions to the SHPO or the ACHP. These responsibilities rest with the BLM.

2. Contract Archaeologist: Non-BLM contract archaeologists are responsible for obtaining (prior to initiating field work) a BLM Cultural Resource Use Permit to conduct the level of archaeological work required by the proposed action.

He or she is also responsible for conducting inventories in compliance with these guidelines.

If cultural resources are found as a result of the inventory, the contract archaeologist assesses the potential effects of the action on those resources, recommends properties to the BLM for inclusion in the National Register of Historic Places, and recommends a treatment plan (mitigation measures) to the BLM for preserving significant cultural resources.

The contract archaeologist is not responsible for making Section 106 submissions to the SHPO. These responsibilities rest with the BLM.

3. BLM Archaeologist: The District or Resource Area archaeologist is responsible for advising managers on implementing these guidelines to ensure that all parties to a proposed action comply with them.

The BLM archaeologist advises managers on the intensity and extent of inventory required for the proposed action; recommends project authorization stipulations to conduct field work; reviews the products of the inventory and any treatment plan generated for the undertaking; and recommends approval or revision of reports, site records, and treatment plans.

The BLM archaeologist is also responsible for advising managers on consulting with the SHPO to ensure compliance with the Section 106 process. Consultation may be required at any stage in the land use approval process depending on the extent of deviations from these guidelines, the significance of the resources affected, and the nature of potential effects.

BLM initiated inventories and treatment plans are normally done by the BLM archaeologist in the office initiating the action and are also subject to these guidelines.

4. BLM Managers: The BLM District Manager is responsible for overall direction of the cultural resources program at the District level. He or she is also responsible for making submissions to the SHPO and the ACHP as needed for compliance with the Section 106 process. The District Manager has a review responsibility for actions delegated to the Area Manager.

The BLM Area Manager is responsible for making decisions, within his or her delegated authority, concerning cultural resources inventory, evaluation, and treatment, and for ensuring that the potential effects of all actions on cultural resources are adequately considered prior to authorizing actions.

B. Costs

With certain exceptions (Appendix 4) the proponent pays for cultural resource inventories and to mitigate adverse effects on significant cultural resources. When to BLM is responsible for inventory and mitigation, proponents can voluntarily fund cultural resource inventories and mitigation for any proposed action.

If cultural resource inventories and mitigation are funded by the BLM, there could be significant delays in approving the action, to allow for implementation of the BLM's work planning or procurement process.

C. Planning

Cultural resource inventories cannot be done on the spur of the moment. BLM regulatory requirements, consultation processes, environmental documentation procedures and action approval requirements are subject to specific time frames for public comment, etc., that cannot generally be waived. In order to avoid potential delays due to these statutory requirements, all parties to an action should consider the following when planning cultural resource inventories:

1. Pre-field work Phase: Prior to going to the field to conduct the inventory or reconnaissance (or prior to contracting for archaeological services) the proponent should contact the District or Area Office to determine if an inventory is needed and the intensity of inventory required. Inventory needs will be determined on the nature and extent of potential effects, therefore, the proponent needs to be able to describe the proposed action and provide a map showing its exact location.

If an inventory is needed, and it will be a Class III inventory (IV.B.3) or covered by a formal existing agreement with the SHPO, no Section 106 consultation is required prior to beginning field work. If the proposed inventory deviates from Class III standards, or formal prior agreements, Section 106 consultation is required prior to going to the field. This may add up to 90 days to the approval process.

A Cultural Resource Use Permit, issued by the Nevada State Office, is required prior to any field work. If the contract archaeologist does not hold a permit, a complete permit application needs to be submitted to the State Office at least 6 weeks prior to beginning field work.

A Project Authorization for Cultural Resource Investigation form must be obtained from the District or Area Office, prior to field work. An authorization request will be submitted to the District or Area Office as early as possible prior to field work. The project must be authorized by the District or Area Manager before any field work.

2. Field work Phase: Under these guidelines, most cultural resources located during an inventory should be completely recorded, and evaluated for eligibility, during the initial inventory. This will require more initial field time to record resources, but will save time in the long run by eliminating unnecessary additional field trips to further evaluate resources prior to mitigation. Adequate initial recordation and evaluation will also compress the Section 106 consultation process by eliminating unnecessary submissions. Each submission can add up to 90 days to the approval process.

Contract archaeologists and proponents should base field plans and budgets on the assumption that resources located or relocated during the initial survey will be fully recorded when they are discovered, rather than during subsequent field trips. As noted below, properties may be probed during initial inventory to determine sub-surface dimensions.

3. Post-field work Phase: The key factor after the field work is completed is timely submission of the results of the field work to the District or Area Office in an accurate and complete report. Results should be sent directly from the contract archaeologist to the BLM and do not have to be submitted through the proponent. Treatment plans for significant resources should be submitted with the inventory report. If a treatment plan cannot be developed on the basis of the initial survey data, an additional permit may be required, as well as an additional Section 106 submission. These requirements could add up to 90 days to the approval process.

All determinations of eligibility, effect, and treatment plans are subject to the Section 106 process, with an addition of up to 90 days approval time for each submission. Thus proponents and contract archaeologists should plan their work, and consult with the BLM, so as to minimize the number of Section 106 submissions required. Ideally, each action would require a single submission.

4. Section 106 Process: The Section 106 process includes a series of legally mandated steps that must be followed by the BLM, SHPO, and ACHP. These are:

a) Identify and evaluate properties for inclusion in the National Register: This should be done in the initial inventory and may require an evaluation field work phase in exceptional cases. If Class III inventory standards are not met, a submission to the SHPO is required prior to field work. If the potential area of effect does not contain cultural resources, the action can be authorized at this point.

b) Determine effect: This is a result of the inventory. If a determination of no effect on significant properties can be documented, the action can be authorized after a 15 day consultation with the SHPO. If there is an effect, but it would not degrade the significance of the property, then a determination of no adverse effect is submitted to the SHPO and the ACHP and the action can be authorized after concurrence.

c) Consultation: During consultation, the BLM, SHPO, and ACHP work together to agree on eligibility, effect, and to devise a treatment plan to mitigate adverse effects. All prior steps, except submissions dealing with field techniques prior to inventory, can be included in one consultation submission. Each submission can take up to 90 days to complete consultation. In most cases (no adverse effect, data recovery plans, etc.) the Section 106 process will be completed at this stage.

d) Agreement: When there is an adverse effect that cannot be mitigated through data recovery, all parties attempt to reach agreement on eligibility, effect, and mitigation and formalize any agreement in a Binding Memorandum of Agreement (MOA) signed by all parties to the consultation. When the MOA is signed by the Chairman of the ACHP, the consultation process is complete and the action can be authorized.

e) Proceed with the action: Actions can proceed at various points in the process depending on circumstances. If there is no agreement at the end of the process, the action can still proceed, as long as the action's effects on cultural resources have been taken into account prior to authorizing the action.

D. Native American Consultation

The District or Area Office Manager notifies Indian tribes when there might be a harmful effect on sites or areas of religious or cultural importance. These notices make the tribe aware of the action, so that it can inform the BLM of any concerns about the action's effect on traditional lifeways. Beyond notification, there are no formal consultation procedures detailed for the BLM's process to authorize actions. The decision concerning Native American notification or consultation should be documented in the case file.

If human burials are discovered at any point in an inventory, the contract archaeologist will cease work in the vicinity of the burial and contact the District or Area Office immediately. The District or Area Office will contact the Nevada State Office and the SHPO immediately upon becoming aware of burials. Work can proceed after an appropriate plan for dealing with the burial has been developed in consultation with the appropriate Native American groups.

There are specific Native American consultation procedures for actions resulting in cultural resources being collected (i.e., requiring limited testing, or excavation permits). All applications for collection survey, limited testing or excavation permits will be reviewed by the District or Area Office for potential effects on sites or areas of religious or cultural importance to Indian tribes.

Permit review to establish potential effects on traditional values and lifeways cannot be done without obtaining data from appropriate tribal representatives. Thus, Indian tribes will be consulted by the District and Area Office Manager and given 30 days to review and comment on permit applications, associated research designs and treatment plans. These comments will be considered in approving the permit.

Applications for Non-Collection Survey or Recordation permits may be reviewed for the same concerns, depending on the sensitivity of the area to be inventoried.

E. Permit Requirements

If the cultural resources inventory is not done by the BLM, then the proponent shall employ an archaeologist who holds a valid BLM Cultural Resource Use Permit to conduct the inventory (43 CFR 7). Permits are not a Federal certification of an individual's or organization's credentials, a license to practice archaeology, or a precondition for consultants to compete for jobs.

Non-BLM archaeologists are required to obtain a permit prior to initiating any field work. Permits are issued to qualified individuals by the BLM Nevada State Office (see Section VI).

F. Project Authorization

Non-BLM archaeologists must obtain authorization for any project prior to beginning field work. Authorization is obtained by contacting the appropriate BLM District or Area Manager before beginning each field operation to inform him or her of the date, nature of work, and specific location of the impending investigation. This contact should be made as early as possible prior to beginning field work with a minimum notice of two weeks to allow time to process the request.

A complete Project Authorization for Cultural Resource Investigation Form (Appendix 3) must be submitted to the appropriate BLM office at the time of initial contact. The date and nature of District or Area Office contact must be fully referenced in the final inventory report.

G. Local Requirements

District or Area Offices may have special requirements adding to or modifying standard permit stipulations, project authorization stipulations or other sections of these Guidelines. When authorizing a project, the District or Area Office will inform the proponent and contract archaeologist of any special requirements prior to the beginning of field work. Special requirements will be documented on the approved project authorization form and the authorizing officer will provide the proponent and contract archaeologist with a copy of the approved form. The contract archaeologist will comply with these requirements as part of his or her permit stipulations.

III. INVENTORY REQUIREMENTS

There is no a priori assumption that an inventory is required for every action, undertaking, or proposed land use. Proponents should consult with the District or Area Office to determine the need for an inventory. Contracting for inventories without consulting with the BLM could result in unnecessary inventories.

The need for inventory is determined by the District or Area Office for each action or land use using the following criteria:

- a. Extent of previous disturbance in the area of potential effect;
- b. Adequacy of previous inventories in the area;
- c. Probability of finding cultural resources;
- d. Significance and sensitivity of cultural resources in the area of potential effect;
- e. The nature of the surface disturbing effects of the proposed action.

If the District or Area Office determines that an inventory is not required, this amounts to a determination of no effect and is subject to the Section 106 process.

IV. INVENTORY PROCEDURES

A. Data Review/Records Search Requirements

A data review/records search is required for all inventories. Based on the data review, the archaeologist doing the field inventory is responsible for relocating recorded sites in the area of potential effect, updating their records, and for considering the results of previous cultural resource inventories within the immediate area of the proposed action.

Record searches are done by consulting with the District or Area archaeologist and the Nevada State Museum, or the Environmental Research Center, University of Nevada, Las Vegas, as appropriate for the area of effect. The SHPO will be contacted to search the State Historic Sites Inventory, the National American Engineering Record and Historic American Buildings Survey for significant properties.

Inventory reports will be rejected as incomplete if they are based on inadequate data review/record searches.

B. Inventory Intensity

BLM Manual 8111 defines three levels of intensity for cultural resource inventories. These are:

1. Class I Inventory: A professional study of existing data that includes a compilation, analysis, and interpretation of all available archaeological, historic, and paleoenvironmental data. Investigators doing a Class I Inventory use all relevant data sources except extensive field work to gather new data.

The goal of a Class I inventory is to describe human history in relation to environmental changes, or cultural processes, in the area affected by the action and its immediate environs. The inventory report also defines significant research questions and data needs for the area under investigation.

All previously recorded cultural resources must be identified and listed in the inventory report. The data relating to significant properties will be discussed in the narrative and summarized in tabular form as follows: Site No., Legal Description, Ownership, Site Type or Function, Cultural Affiliation(s) or Historical Context(s), Chronology, Site Significance or Evaluation Criteria.

Similar information should be listed for properties recognized by State Historic Sites Inventory, the National American Engineering Record, and Historic American Buildings Survey.

2. Class II Inventory: A professionally conducted statistical sample survey designed to characterize the probable density, diversity, and distribution of cultural resources in the potential area of effect. While normally appropriate in planning and predictive modeling, a Class II Inventory may be used where a lesser degree of coverage than called for by Class III standards may be acceptable. Such cases include, but are not limited to, areas:

- a. of very rough or otherwise inhospitable terrain;
- b. which have been previously inventoried;
- c. characterized by sufficient surface disturbance, so as to, preclude locating cultural resources;
- d. where a degree of site prediction is possible; and
- e. extensive actions with temporary or minimal effects where costs, time schedules, or availability of personnel render any other course impractical;

3. Class III Inventory: A professionally conducted continuous intensive survey of the entire area of potential effect. The goal of a Class III Inventory is to locate and record all cultural resources having exposed indications in the potential area of effect. To be considered a Class III Inventory, the inventory must:

- a. thoroughly cover the area of potential effect on foot, with a series of close interval parallel transects;
- b. have a maximum interval between transects of 30 meters;
- c. have the surface of the area of potential effect available for visual inspection (i.e., snow cover or other surface obscuring materials do not exceed 30% of open ground);

d. include a data review/records search, relocation and evaluation of previously recorded properties, complete and accurate site records for all new properties, updated site records on all previously recorded properties and a report acceptable to the BLM.

The Class III Inventory is standard for BLM inventory in Nevada. Deviations from Class III standards are approved, on a case-by-case basis, by the BLM District or Area Office having jurisdiction. Approval must be obtained prior to initiating field work. Formal consultation by BLM with the SHPO prior to authorizing field work is necessary in each case deviating from Class III standards and may add up to 90 days to the time needed to approve the action.

A detailed justification for adopting alternative field methods, and an inventory plan, must be provided to the District or Area Office when requesting deviations from the Class III standard and be included in the draft and final inventory report. The proponents failure to allow sufficient lead time for a Class III inventory will not be considered adequate justification.

C. Reconnaissance Survey

A reconnaissance survey is a field survey that is less systematic, less intensive, or otherwise does not fully meet inventory standards. These surveys may be used in previously unsurveyed areas for developing recommendations for further inventory or for checking the conclusions from other inventories or predictive models.

For reconnaissance purposes, a survey need not be statistically based nor complete. Instead it can be done on a judgmental or intuitive basis. At the discretion of the District or Area Office, with SHPO consultation, reconnaissance surveys may be appropriate for inventories for actions. The results of a reconnaissance survey will be reported as specified in these guidelines for other inventories.

D. Data Recording

1. Information Needs

All cultural resources located during an inventory, or relocated from site records, will be recorded, or updated, so that the following information can be extracted from the site record:

- a. Location: the resource will be located in relation to the cadastral system and the Universal Transverse Mercator (UTM) coordinate system, where possible. The location will also be described in narrative.
- b. Function: the resource's probable function will be determined by consideration of the nature of features, structures, artifact assemblages, and ecofacts present. The lack of sufficient data to make this determination should be noted.
- c. Cultural Affiliation or Historical Theme: the resource's probable cultural affiliation or historic theme will be determined using the same data as was used for predicting function. The lack of sufficient data to make this determination should be noted.
- d. Chronology: the resource's probable chronology will be determined using time-sensitive artifacts, structures, or features, as available. The lack of sufficient data to make this determination should be noted.
- e. Dimensions: the size, depth, density and diversity of the components of the resource will be noted to

the extent possible with the data in hand. The lack of sufficient data to make these determinations should be noted.

f. Environmental Setting: Identify the environmental setting in which the resource is found. Recent (less than 50 years old) human use of the area should be included in the environmental setting.

g. Condition: Discuss the condition of the resource in terms of integrity, intrusions, probable ongoing impact, and potential future impacts.

h. Inventory Impacts: Record in detail any impacts to the resource from subsurface probing or testing, sample collection, or any other data collection. The curation location for all artifacts and other materials collected from the site must be noted.

i. Significance: Determine the resource's eligibility for the National Register. If the data in hand is insufficient for this task, indicate the data needed to make this determination.

2. Recordation Forms

Unless other arrangements are made with the appropriate District or Area Office in advance, all cultural resources discovered in the course of the inventory will be recorded and encoded on either the standard IMACS form or the Nevada short form. Historic sites will be recorded on building data forms approved by the SHPO.

Small properties, and/or non-diagnostic properties, can be recorded on the Nevada short form. Properties determined to be eligible for the National Register, or recommended for eligibility, will be recorded on standard IMACS forms, not on the short form. Original site forms will be included in each report.

The approved site forms indicate the quantitative details of the data to be collected. The Nevada short form is in Appendix 4 and the standard form and manual are available from the Archaeological Center at the University of Utah.

Site records not in IMACS format will be translated onto IMACS forms for submission with reports, and all site record updates will be submitted on IMACS forms. All IMACS records will be submitted to the BLM on computer disks using the NVACS software (DOS 3.2) with a hardcopy produced with the NVOUT software.

All important gross characteristics (overall dimensions, artifact descriptions, distributions and density) of the resource should be recorded on the site form. Features such as hearths, buildings, cairns, roasting pits, rock art, etc., should be described with measurements and scale drawings. Sketch maps are required for any property with spatial patterning or associations with archaeologically relevant man-made or natural features. The relationships of the resource to nearby man-made or landscape features should be described or mapped as aids to subsequent relocation.

Quantitative data, as defined in the IMACS Manual, on the composition of artifact assemblages are also required. All well defined tool or ornament types, such as projectile points or other time markers, functional diagnostics, etc., should be described and sketched or photographed.

Resources should be investigated to produce a complete qualitative and quantitative record, large properties may be exempt from this policy at the discretion of the District or Area Office. In most circumstances, the fact that properties may extend beyond the area of potential effect will not be sufficient justification for partial recordation. These properties must be fully recorded, including the

parts outside the action's boundaries. Partial recording must be approved, in advance, by the BLM District or Area Office and may be subject to Section 106 consultation. Partial recordation, must be noted on the site form with partial recordation methods fully described.

3. Collection

BLM Manual 8142.02 defines data recovery and collection as a last resort, to be used when other protection measures are insufficient. Thus, except in extreme circumstances, cultural resources will be left in situ. With sufficient justification, collection can be authorized in advance by the District or Area Office. Collecting will be authorized within the permit structure, as follows:

1. Excavation or collection on significant properties will not be authorized, except under a excavation or removal permit, after consultation with the SHPO and appropriate Indian tribes.
2. Limited collection and testing to determine significance can be authorized under a survey or limited testing permit, after consultation with the SHPO and appropriate Indian tribes.
3. Probing a property in order to determine dimensions or significance can be authorized under a non-collection survey or recordation permit. Since probing does not significantly affect a property, it can be authorized without consultation. Artifacts and other materials from probing will be collected catalogued and curated in accordance with these guidelines.
4. Isolates and small non-diagnostic properties will not normally be collected. In most cases, all necessary data can be recorded without collecting these resources. Difficulty in relocating the resource is not sufficient justification for collection.
5. Other properties will not be collected without the prior approval of the District or Area Offices. In most cases, collecting these properties will require a written justification and Section 106 consultation prior to authorizing collection.

In some cases, action constraints or other factors preclude leaving resources in situ. Collection may be appropriate when:

1. The resource will be affected by the action, which cannot be altered to avoid the resources; or
2. There is a threat of destruction from natural processes, illegal collection, or other non-action related events; and
3. Data is needed to for regional research objectives or collect baseline information to develop historic and prehistoric themes or contexts.

Artifacts will not be relocated or buried for protective purposes under any circumstances. If artifacts cannot be protected by any other means, they should be collected, catalogued, and curated in accordance with these guidelines.

If resources are collected, a descriptive list (catalogue) of all collected items must accompany the site form. The list should include: typological category (shard, flake, DSN arrowhead, etc.), material type (basalt, glass, etc.), and dimensions (maximum length, thickness, width, and weight), and curation arrangements.

E. Non-Federal Lands

After a determination of the area of potential effect, without regard for ownership, the "rule of reason" will be used to determine the intensity and extent of inventory and mitigation needed for Non-Federal lands potentially affected by the proposed action.

The following factors constitute a "rule of reason" and will be evaluated when determining inventory requirements:

1. the extent of BLM control over project design as indicated by the nature of BLM approval, the percentage of BLM lands involved, the extent to which the BLM action determines the location of surface disturbing activities, and other relevant factors;
2. the likelihood that affected private lands will contain significant properties;
3. previous significant surface disturbance in the area of potential effect; and
4. previous adequate cultural resource inventory in the area of potential effect.

The SHPO must be consulted, through the Section 106 process, when the BLM decides that Non-Federal lands within the area of potential effect will be inventoried differently from Federal Lands. Section 106 consultation is also required if cultural properties on Non-Federal lands are mitigated differently from properties on Federal lands.

V. INVENTORY RESULTS

The format for reporting inventory results is contained in Appendix 2. Since most inventories are done to protect cultural resources from inadvertent adverse effects, and for compliance with the Section 106 process, each inventory must result in the following:

A. Eligibility Determinations

All cultural resources identified in inventory records or located during the inventory have to be assessed for significance in the draft and final inventory reports. Significance is determined by applying the criteria for inclusion in the National Register of Historic Places (36 CFR .4). Cultural resources considered to be eligible for the National Register (inclusion in the Register is not required) are by definition significant properties and have to have effects mitigated through implementing a treatment plan.

As defined in regulations (36 CFR 60.4) a property is eligible for the National Register if it:

1. is at least 50 years old;
2. retains integrity of location, design, setting, materials, workmanship, feeling, and association; and
3. has one or all of the following characteristics:
 - a. association with events that have made a significant contribution to the broad patterns of our history; or
 - b. association with the lives of persons significant in our past; or

- c. embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possess high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction; or
- d. has yielded, or may be likely to yield, information important to prehistory or history.

Eligibility determinations are also made in a regional context addressing significant research questions. This context is provided by the Nevada Historic Preservation Plans prepared for the Nevada Division of Historic Preservation and Archaeology (the Historic Plan Element was published in 1978; the Prehistoric Element in 1982). These plans provide an evaluative framework for BLM Nevada cultural resource management by defining prehistoric and historic themes and research questions important in Nevada. Additional context is provided by BLM Class I inventories and resource management plans available in District and Area Offices.

In making eligibility determinations, the label "potentially eligible" will not be used. The Section 106 process requires the BLM to determine if properties are eligible for the NRHP. The purpose of an inventory is to gather sufficient information to make these determinations. Properties can be labeled as eligible, without doing an inventory.

All determinations (either eligible or ineligible) are subject to Section 106 consultation requirements.

B. Effect Determination

For each significant property located during an inventory, the archaeologist will determine the affect of the proposed action on that property (36 CFR 800.5). Effect will be determined by applying the following Criteria (36 CFR 800.9):

- 1. Effect:** An action has an effect on a property when it may alter the characteristics of the property that may qualify it for the National Register. For the purpose of determining effect, alterations to features of a property's location, setting, or use may be relevant and should be considered.
- 2. Adverse Effect:** An action is considered to have an adverse effect when it may diminish the integrity of the significant property's location, design, setting, materials, workmanship, feeling or association. Adverse effects on significant properties include, but are not limited to:
 - a. physical destruction, damage, or alteration of all or part of the property;
 - b. isolation of the property from or alteration of the character of the property's setting, when the character contributes to the property's eligibility for the National Register;
 - c. introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;
 - d. neglect of a property resulting in its deterioration and destruction; and
 - e. transfer, lease, or sale of the property.

When a property is eligible under the criterion in A.3.d. only, and when its information can be preserved through data recovery efforts, implementation of the research or data recovery plan will lead to a determination of no adverse effect for the property in question.

3. No Effect: Any action that does not meet the criterion of effect shall be determined to have no effect on significant properties.

C. Management Recommendations

The archaeologist is responsible for making management recommendations for all cultural resources located during the inventory. One permissible recommendation, with supporting documentation, is that a resource is not significant (i.e., not eligible for the National Register) and thus that no further management consideration need be given the resource.

All significant cultural resources, as determined through eligibility evaluations and the Section 106 consultation process, must be protected by implementing a treatment plan for mitigating effects to the resource.

The preferred method for mitigating adverse effects on significant properties is to avoid the property (BLM Manual 8143.21). Effects can be avoided by re-configuring the proposed action to eliminate surface disturbance on the property, monitors to guide actions away from the property, or physical barriers to segregate the property from the rest of the affected area.

Any alternative action locations proposed as a result of avoidance recommendations must themselves be considered for inventory for cultural resources before the action can proceed.

When avoidance is not possible, the alternative is data recovery. Data recovery includes detailed written description, mapping, drawing, and photography, and may include collection or excavation. Data recovery, particularly when involving collection or excavation, can be very expensive and time consuming.

D. Initial Reports

Immediately after completing field work, the contract archaeologist shall contact the BLM District or Area Office and report initial results. If acceptable to the District or Area Office, an oral summary may suffice for inventories that failed to locate cultural resources, until the final report is complete.

The contract archaeologist must also submit a letter report to the District or Area Office within one calendar week of leaving the field. The Field Worksheet (Appendix 2) can be used for this report. The report will outline the following:

1. A description of the action to include legal descriptions and maps of the action's boundaries and the area of potential effect.
2. Nature of potential effects, to include dates when effects will occur.
3. Location (legal description and maps) and descriptions of cultural resources located during the survey.
4. A treatment plan outline that alerts BLM to recommended mitigation actions to negate effects to historic properties.

E. Draft/Final Reports

A draft report to the BLM District or Area Office, detailing the results of the inventory is required prior

to beginning surface disturbing activities or at most 30 calendar days after field work is completed. Original site records for all sites located or relocated will be submitted with the draft report. Extension of this deadline may be negotiated with the District or Area Office.

The BLM will have 30 calendar days in which to review reports and inform the contract archaeologist if the BLM accepts the report as is, accepts it with editorial modifications, rejects the report pending substantive changes, or that the BLM needs further review time. Corrections must be returned to the BLM within 30 days of receipt of BLM comments. All correction costs will be paid by the proponent or non-BLM archaeologist.

All reports must be submitted to the BLM in at least 3 copies, each legibly reproduced. One copy should be unbound to allow for future reproduction and the other two suitably bound for distribution. In some cases more copies may be required, depending on the BLM administrative unit involved, action characteristics and the significance of the findings. The proponent or non-BLM archaeologists should consult with the District or Area Office to determine the number of additional copies needed.

The BLM is responsible for providing the SHPO with the results of the inventory for Section 106 purposes. The proponent or contract archaeologist will not routinely send copies of inventory reports to the SHPO.

If courtesy copies are sent to any individual or organization before BLM District review (or before completion of any required corrections), the following statement must appear in typed capitals on the title page:

This report has not been reviewed by the Bureau of Land Management and does not represent a BLM report, submission, proposal, or decision. This report may be superseded by BLM review.

F. Maps

All reports must be accompanied by 1:250,000 or 1:100,000 scale maps showing the action's boundaries and 7.5' or 15' USGS maps or BLM 30' planimetric maps (if suitable USGS maps do not exist) on which the action's boundaries, area of potential effect, area inventoried, land status (Federal and Non-Federal lands), and cultural resource locations are plotted as accurately as possible. Maps should be prepared so that they are fully comprehensible without reference to the text. Particular attention should be paid to the following:

1. Use clean original maps submitted in the unbound report copy. Maps in the bound report copies may be clean copies of the original maps.
2. Photocopies should be of good quality and easy to read. If colors are used on the originals to define features, the features must be labeled on photocopies, so as to retain the definitions.
3. Action boundaries, archaeological properties (by site number), and other significant features must be clearly labeled. If necessary these elements should be inked to make them legible on photocopies. Keys to all symbols used must appear on all maps.
4. Township/Range/Section numbers must be clearly marked. If they are faint or illegible on the photocopies, they should be inked; if they are missing on the reproduced portion of the map, they should be added. Section lines must be protracted in, as needed.
5. The BLM report number and base map name and scale must appear on all maps.

6. Maps should be trimmed to page size and bound in the report whenever possible.

Maps may not be substituted for a full legal description, as one of their functions is to act as a check on the accuracy of the latter. For a small area of effects, such as drill pad locations, the 1/4, 1/4, 1/4 Section level is desirable when accurately determinable. The legal description of linear actions (roads, and power, fence and seismic lines, etc.) must include a list (by township/range) of sections passed through as well as the positions of the ends of the line at the 1/4, 1/4, 1/4 Section level.

G. Photographs/Drawings

Original drawings, maps and other illustrations, and prints and negatives of all photographs related to a report or site record will be submitted to the BLM with the final report.

VI. CULTURAL RESOURCE USE PERMITS

All persons conducting archaeological field work on BLM lands in Nevada are required to hold a valid Cultural Resource Use Permit prior to beginning field work. Actions involving Federal, private, or State lands, also require a permit, issued by the Nevada State Museum for archaeological work on non-BLM lands.

A. Permit Types

1. Non-collection or Recordation Permits: may be authorized to identify, evaluate, record, or conduct similar non-impacting studies of cultural properties, which will not involve excavation, or removal of material remains or other disturbance of cultural properties.

Such permits may authorize collection of isolated archaeological materials not associated with cultural properties. Minor probing to locate the limits of cultural properties or unconfirmed archaeological deposits for mapping or to determine significance may be authorized so long as probing does not significantly affect the cultural property.

This type of permit will be the standard working permit for contract archaeologists involved in inventories. A non-collection or recordation permit will normally allow sufficient information collection to make an eligibility determination.

Inventories involving a three phase inventory design (initial survey, assessment, data recovery) will normally require a different permit for each phase.

2. Survey or Limited Testing Permits: may be authorized to identify, evaluate, and record cultural properties, during which minor collection and removal or limited test excavation and removal of material are likely to occur.

These permits allow limited testing to better understand or define the significance or research potential of a cultural property. Testing and collection will be limited in such a way that the significance or research potential of the property is not substantially diminished.

A survey or limited testing permit will be required for eligibility assessment work beyond that permitted under a non-collection or recordation permit.

3. Excavation Permits: may be authorized to excavate or remove material remains at a greater scale

than described above, with the result that the significance or research potential of a cultural property or properties may be substantially altered.

Research or treatment plans that include data recovery will require an excavation permit prior to beginning data recovery.

B. Application Procedures

A BLM permit application package can be obtained from the State Director (932.7), Bureau of Land Management, P.O. Box 12000, Reno Nevada 89520. Two copies of the completed application should be returned to the State Director at least four weeks prior to beginning field work. Nevada State Office staff examines each application upon receipt to determine if the filing meets all requirements. Applications lacking necessary information or required documentation in support of an information item will be withheld from further review until the needed information or documentation is provided.

All applications for survey and limited testing permits or excavation permits will be reviewed for potential effects on sites or areas of religious or cultural importance to Indian tribes. Applications for Non-Collection survey or recordation permits may be reviewed for the same concerns, depending on the sensitivity of the area to be inventoried.

Any application which fails to meet minimum qualifying criteria specified below, either upon initial receipt or through failure to respond adequately to a request for missing information, may be recommended for rejection without further review.

C. Qualifications

Applications are reviewed by the Nevada State Office and appropriate District and Area Offices to determine if the applicant is qualified for the work proposed. Applicants failing to meet the qualifications listed below, or with a documented history of inadequate performance under a previous permit, may be disqualified from holding a permit. Individuals named in an application may be excluded from the permit for similar reasons.

1. Organizational Qualifications: Applications must show the applicant's organizational capability to accomplish work of the type and scope proposed. An organizational resume or summary of organizational experience should be submitted to provide the following minimum information:

- a. The applicant's organizational ability to accomplish work, including: 1) location(s) and description of facilities and equipment; 2) organizational structure and staffing; and 3) specification of the extent to which the facilities, equipment, and staff listed will be involved in the proposed work.
- b. The applicant's organizational history in completing the type of work proposed, including: 1) similar projects; 2) government contracts; 3) project or contract reports or publications demonstrating project completion; and 4) previous Federal permits held, effective dates of permits currently in force, and applications pending or planned.
- c. Other pertinent organizational experience.

If the applicant lacks an organizational history, any information which might take the place of information above should be provided. In such cases, individual capabilities of personnel will carry greater weight in evaluation of organizational qualifications. Lack of an organizational history should not be the principal factor in a recommendation for permit denial.

2. Individual Qualifications: Applications must show the capability of each individual proposed for listing on the permit to accomplish work of the type and scope proposed. Each individual's resume or summary of experience shall be submitted to provide the following minimum information:

a. Permit Administrator: List the name(s) of the individual(s) proposed as responsible for carrying out the terms and conditions of the permit and otherwise complying with legal requirements applicable to the permitted activity. This individual must be legally empowered to obligate the applicant organization, and must sign the application.

If the individual(s) named as permit administrator(s) in the application are not also named as a project director or field supervisor, they do not have to be professionally qualified as an archaeologist, anthropologist, historian, or architect.

b. Project Director: List the name(s) of any individual(s) proposed as responsible for planning, supervising, and overseeing field projects, including responsibility for the professional quality of resource evaluations and recommendations.

Project directors have primary accountability for technical completeness and competence of work conducted under the permit. They are responsible for developing work plans or research designs, for performance of field supervisors, for selection standards and limitations on work assignments of crew members, for analysis and interpretation of field data, for integrating field work results into comparative regional perspective, and for preparing reports. For each project director, information must be included with the application to demonstrate that the individual has achieved the following:

1. adequate professional instruction, obtained through:
 - a. formal education resulting in a graduate or professional degree in an appropriate discipline (anthropology or archaeology, history, architecture); or
 - b. equivalent training and experience, including at least 24 months of pertinent, professionally supervised experience, with increasing responsibility leading to duties similar to those proposed in the application;
2. competence in theory and methods, and in recording, collecting, handling, analyzing, evaluating, and reporting cultural property data, relative to the type and scope of work proposed;
3. the ability to plan, equip, staff, organize, and supervise activity of the type and scope proposed;
4. the ability to complete research projects, as evidenced by timely completion of theses, research reports, and similar documents;
5. completion of at least 16 months of professional experience or specialized training in field, laboratory, or library research, administration, or management, including at least 4 months experience in the geographic or culture area involved.

c. Field Supervisor: List the name(s) of any individual(s) proposed as responsible for carrying out field projects. Field supervisors are responsible for the technical quality of field operations, for direct on-site supervision of all aspects of field work and data gathering, for proposing resource evaluations and recommendations for further treatment, and for preparing field records and descriptive reports. For each field supervisor, information must be included with the application to demonstrate that the

individual has achieved the following:

1. adequate professional instruction, obtained through:
 - a. formal education resulting in a baccalaureate degree in an appropriate discipline (anthropology or archaeology, history, architecture); and
 - b. at least 12 months of pertinent, professionally supervised experience, with increasing responsibility leading to duties similar to those proposed in the application;
 2. competent in recording, collecting, handling, analyzing, evaluating, and reporting cultural property data, relative to the type and scope of work proposed;
 3. the ability to supervise activity of the type and scope proposed;
 4. completion of at least 4 months of professional experience or specialized training in field methods, pertaining to the geographic or culture area involved.
- d. Combined Positions:** The same individual may be proposed to serve as permit administrator, project director, and field supervisor provided that evidence is submitted to show that all criteria for each position are met.

3. Other Requirements: Applications must show that the work proposed would further knowledge of cultural resources in the public interest. Applications must include documentation which sets forth a methodological or theoretical framework appropriate to work proposed, and proposes a schedule for timely and professional reporting of completed work.

D. Curation

Applicants must provide documentation of access to an American Museum Association (AMA) approved curation facility, or one that meets AMA standards. This will be done by including written certification, signed by a properly authorized official, of the willingness of that facility to accept any collections, records, data, photographs, and other documents generated during the proposed term of the permit, and to assume permanent curatorial responsibility and accountability for such materials on behalf of the United States Government.

Permanent in-house curation by the applicant will not be accepted unless the applicant's curation facility meets AMA standards and the collections are available to the public for interpretation and research. Curation within Nevada is preferable to curation out of state.

E. Compliance

Permit holders who fail to comply with the standards set forth in these Guidelines may have their permit (s) suspended, revoked or not renewed. The following is a partial list of instances of non-compliance which can lead to this action.

1. Substandard field work as evidenced by failure to record properties which should have been observed had required procedures been followed.
2. Failure to meet report submission deadlines.

3. Failure to correct and return substandard work as and when stipulated by the BLM.
4. Use of unauthorized personnel as project directors or field supervisors.
5. Failure to comply with special requirements imposed at the District or Area level.
6. Failure to deposit accurate and complete site records with the appropriate District or Area Office when submitting the final inventory report.
7. Failure to deposit all artifacts and associated notes, photographs, sketches, and other relevant data with an approved curation facility within 6 months of submitting a final report to the BLM.

VII. REVIEW AND ADMINISTRATION

A. Review

The BLM District or Area Office ensures that all parties to an action comply with these guidelines. Draft and final inventory reports will be reviewed by the District or Area Office and, if they fail to comply with the guidelines, or have other deficiencies, will be returned for correction.

B. Section 106 Submissions

The BLM is solely responsible for making Section 106 consultation submissions to the SHPO and the ACHP. Proponents, contractors, and other Non-BLM parties involved in an action should not contact the SHPO or the ACHP in an attempt to facilitate the consultation process.

The BLM decision regarding cultural resource management for an action may differ from the recommendations of the contract archaeologist. The BLM will not require the consulting archaeologist to amend his or her final report to conform with the BLM's decision. Instead, the BLM's decision, not the archaeologist's recommendations, will form the basis of the Section 106 consultation.

When making a submission, the BLM District Manager will request consultation on specific determinations, decisions, actions,

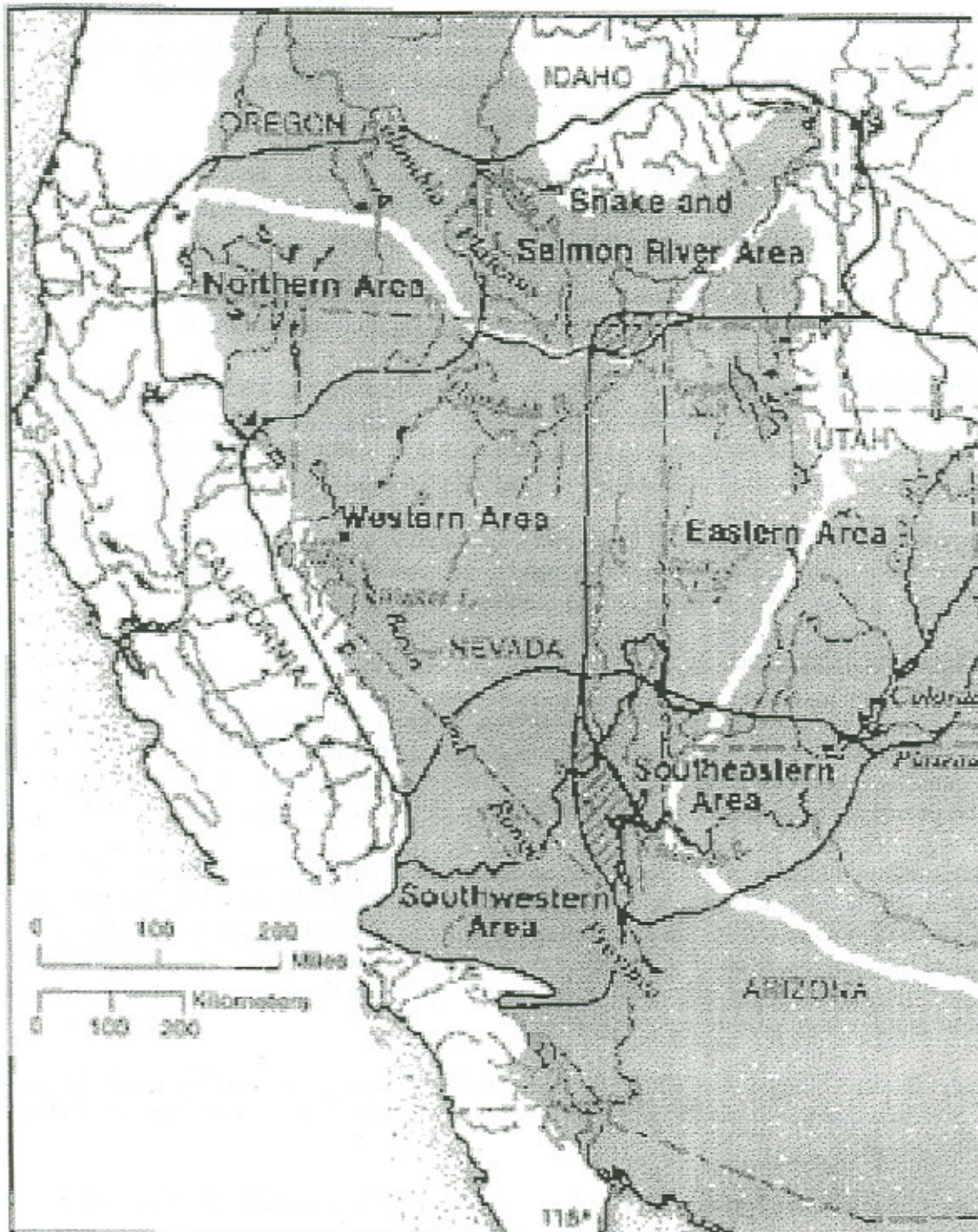
or plans in a letter to the SHPO or the ACHP. Any inventory report, or other information, relevant to the proposed action will be included in the submission as an appendix to the BLM's request for concurrence.

Requests for concurrence from the BLM to the SHPO or the ACHP will follow the format and contain the information shown in Appendix 8.

C. Addenda

Addenda, particularly multiple addenda to the same report, cause confusion, and should never be used as a means of grouping reports of the results of small actions. The use of addenda should be restricted to correcting existing reports or follow up work associated with the same action that generated the initial report.

Appendix 1 Inventory Forms/Instructions



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PREHISTORIC SHORT FORM

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HISTORIC SHORT FORM

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Appendix 2 Report Formats

A. General Format: Any completed inventory or reconnaissance survey includes a professional report to document the results of the field work. The report should be commensurate with size, complexity, and results of the inventory, and should contain the following:

1. General Information: Identify, locate, and describe the proposed land use motivating the inventory; identify its potential area of effect; and define the area inventoried in relationship to the potential area of effect. Identify and locate land status within the potential area of effect.

Briefly summarize field techniques, crew size, crew composition, and field work dates. Identify logistical or other problems that may reflect on the reliability of the results of the inventory.

2. Environmental Information: Provide a brief summary of the environmental characteristics of the area inventoried. The summary should discuss all factors which might have prevented the location of all cultural properties in the area surveyed. The summary should also note any characteristics useful for establishing the significance of the cultural resources located during the inventory.

The environmental summary should not be a general description of regional environmental information extracted from the literature. These generalities can be included by reference. Instead this section should focus on describing local environmental factors relevant to the inventory.

3. Field Methods: Describe the

inventory strategy used and how it was implemented in the field. This section should focus on a description and justification for any deviations from the standards in these guidelines. It should also assess the likelihood that the inventory, in fact, located all cultural properties in the inventory area and assessed the potential for the presence of undiscovered buried cultural properties.

4. Results: Describe the cultural resources located during the inventory to include location, environmental setting, extent, depth, condition, cultural or historic affiliation, chronology, and function. The significance of each resource should be described in terms of relative scarcity, historic or archaeological importance, research potential, and National Register eligibility. Isolates and small or non-diagnostic properties can be discussed categorically. As appropriate, these data can be tabulated. All significant properties should be described in text.

5. Summary: Discuss the results of the inventory in terms of the fit of the resources with the regional data base, significant research questions, needs for further investigations, and probability of effects from the proposed land use.

6. Recommendations/Conclusion: Clearly identify data limitations, significant properties, effects on significant properties, and recommendations to mitigate adverse effects.

7. Maps, Graphics, and Records: An original map or maps showing action boundaries, the area of potential effect, area inventoried, and resources located will be included in each report. An appropriate complete original site record will be included for each property located or relocated during the inventory. Other graphics to illustrate the characteristics of properties and effects relevant to significance determinations and mitigation recommendations will be included as needed. Include the negatives for all photographs used in the report.

Appendix 3 Cultural Resource Use Permit Forms

Form 8151-1 (temporary) (May 1984) Attach separate sheets as needed for additional space	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT <hr/> CULTURAL RESOURCE USE PERMIT Sec. 302(b) of P.L. 94-570, October 21, 1976, 43 U.S.C. 1732 and sec. 4 of P.L. 96-95, October 31, 1979, 16 U.S.C. 470cc APPLICATION	INFORMATION REQUIREMENT APPROVED OMB No. 1024-0037 FOR BLM USE ONLY Application Number
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1. Name of Applicant (Institution, Corporation, Partnership, Individual, or Other Entity)

2. Mailing Address		3. Telephone Number Fax: E-mail:
4. Nature of Cultural Resource Work Proposed <input type="checkbox"/> Non-Collection Survey/Recordation <input type="checkbox"/> Survey and Limited Testing <input type="checkbox"/> Excavation and/or Removal	5. Location of Proposed Work a. Description of Public Lands Involved B. Identification of Cultural Resource(s) Involved (if applicable)	
6. Purpose of Proposed Work	7. Time of Proposed Work From To	

8. Name of individual(s) Authorized to Plan and Supervise Field Work and Approve Reports, Evaluations, and Recommendations

Principal Investigator(s):

Crew Chief(s):

9. Applicant must include the following with the application form:

- a. Summary of organizational capabilities, including information on location(s) and description of facilities and equipment, on organization structure and staffing, and on facilities, equipment, and staff to be involved in the proposed work;
- b. Summary of organizational history in completing work of the kind proposed, including similar past projects, government contracts, and Federal permits (previously held, currently in force with effective dates, and currently pending or planned, by agency and region/state), reports and publications resulting from similar work, and any other pertinent organizational experience;
- c. For each individual named as responsible for technical tasks, a curriculum vitae or other resume or summary of education, training, and experience in the kind of work proposed and in the role proposed;
- d. Written certification, signed by a properly authorized official of the proposed curatorial facility, attesting to the facility's capability and willingness to accept any collections, as applicable, and records, data, photographs, and other documents generated during the proposed term of the permit, and to assume permanent curatorial responsibility for such materials on behalf of the United States Government.

10. Name of Individual Responsible for Carrying Out Terms and Conditions of Permit

11. Signature	12. Date
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Submit one complete copy of each application, by mail or in person,
to the State Director (930) in the BLM State Office with
administrative jurisdiction over the public lands involved.

Appendix 4 Minerals

A. Special Considerations

Minerals exploration and development is governed by a series of directives that detail specific responsibilities for each party to an action, as follows:

1. Under 43 CFR 3809, the BLM is responsible for funding and conducting cultural resources inventory and mitigation. The proponent can voluntarily fund contracts for these activities;
2. Under 43 CFR 3802, the BLM is responsible for the inventory and the proponent is responsible for mitigation. The proponent can voluntarily fund a contract for the inventory;
3. Under 43 CFR 31 and Onshore Oil & Gas Order Number 1, the BLM determines the need for inventory and the proponent is responsible for conducting the inventory and mitigation. The need for

inventory is determined by the District or Area Office for each APD using the criteria in Section III of these guidelines.

B. Geophysical Exploration (43 CFR 3150)

1. General Considerations: The exploration company shall notify the District or Area Office at least 24 hours prior to beginning field operations in order to determine the need for cultural inventories and finalize field procedures. If this is not done in a timely manner, the proponent may be paying for unneeded inventories, or inventories that are more intense, detailed, or extensive than required.

In order to facilitate exploration actions, the contract archaeologist

can phone or visit the BLM District or Area Office to orally transmit the inventory results and assist the BLM in devising appropriate mitigation recommendations for any cultural resources affected by the action. If the inventory is negative, the District or Area Manager can give oral authority for the action to proceed. Authorizations will be documented in the case file.

If cultural resources are located during the inventory, the action cannot proceed until satisfactory mitigation stipulations can be devised. The District or Area Office will communicate mitigation stipulations to the responsible geophysical company in writing. A copy of these instructions must be carried in the field and attached to the subsequent inventory report.

All traffic associated with exploration must follow routes that avoid cultural resources. Company flagging crews will identify and flag anticipated detours on the route, so that potential detours can be inventoried along with the main route.

2. Inventory: The surface disturbing effects of some commonly employed geophysical exploration techniques are sufficiently minimal so as to obviate the need for cultural inventories. Since they are not likely to be considered undertakings, the following may be excluded from cultural inventory requirements:

- a. Vibroseis and conventional truck-mounted shothole drill routes and operations located on constructed roads or well-defined existing roads and trails;
- b. Pedestrian routes and placement sites for hand-carried geophone, cables, or similar equipment;
- c. Cross-country operations of seismic trucks and support vehicles on bare frozen ground or over sufficient snow depth (vehicle traffic does not reveal the ground) so as to prevent surface disturbance;
- d. One time (single pass) routes of wheeled vehicles under 10,000lbs GVW;
- e. Above ground seismic blasting (Poulter method); and
- f. Helicopter-supported activities, including shothole drilling and above ground seismic blasting (Poulter method) in most areas, that do not require helicopter staging area preparation and vehicle use off of roads and trails.
- g. Exploration activities defined as casual use in 43 CFR 3150.

Other geophysical exploration activities require blade work or other surface disturbing activities. These activities also involve additional direct and indirect effects for vehicle traffic. Consequently, the

following situations will usually necessitate cultural inventory as determined by the District or Area Manager on a case-by-case basis:

1. Cross-country vibroseis and conventional truck or ATV mounted shothole drilling operations.
2. Surface disturbing activities associated with any geophysical technique such as blading access routes or helicopter staging areas, or disc-and-drill seeding for rehabilitation.
3. Portions of jug truck and ATV routes, "backpack" shothole drilling, helicopter-supported activities including shothole drilling, and above ground seismic blasting (Poulter method) in areas with potential for significant fragile surface or subsurface cultural resources (dune fields, antelope traps, standing structures, etc).
4. Additional exceptions may be allowed based on soil conditions, regional Class II inventories, existing survey data or other information that define areas of low cultural resource significance or density. These exceptions will be determined by the District or Area Office on a case-by-case basis.

Appendix 5 Law and Policy

Federal laws and policy directives applicable to cultural resources management include:

1. **Antiquities Act of 1906 (P.L. 59-209):** provides for the protection of cultural resources on Federal lands through criminal sanctions against excavation, injury, or destruction of cultural resources without permission.
2. **National Historic Preservation Act of 1966 (P.L. 89-665 as amended by P.L. 94-422, P.L. 94-458, and P.L. 96-515):** requires Federal Agencies to take into account the effect of their actions on cultural resources and affords the ACHP an opportunity to comment on actions prior to them being authorized.
3. **National Environmental Policy Act of 1969 (P.L. 91-190):** directs Federal Agencies to consider cultural resources in fostering environmental quality and preservation.
4. **Historic and Archaeological Data Preservation Act of 1974 (P.L. 94-291):** directs Federal Agencies to undertake recovery, protection, and preservation measures to preserve data that would be lost as a result of authorizing an action.
5. **Federal Land Policy & Management Act of 1976 (P.L. 94-579):** directs the BLM to inventory cultural resources (among others) and to protect scientific, historic, and archaeologic resource values within the framework of multiple use management.
6. **American Indian Religious Freedom Act of 1978 (P.L. 95-341):** requires Federal Agencies to take into account the effect of their actions on Native American traditional belief prior to actions being authorized.
7. **Archaeological Resources Protection Act of 1979 (P.L. 96-96):** requires a permit for any excavation or removal of cultural resources more than 100 years old on public lands and provides civil and criminal penalties for violation of permit requirements.
8. **Executive Order 11593, May 31, 1971:** directs Federal Agencies to locate and inventory all cultural resources under their jurisdiction and to ensure that actions do not inadvertently effect significant cultural resources. Also direct agencies to consider the effects of actions on non-Federal lands.

9. BLM Manuals: 8100 - Cultural Resources Management; 8111 - Cultural Resources Inventory and Evaluation (Upland); 8130 - Cultural Resources Planning; 8141 - Physical and Administrative Protection Measures; 8143 - Procedures for the Avoidance or Mitigation of Effects on Cultural Resources; and 8151 - Cultural Resource Use Permits.

10. Regulations: 36 CFR 60, 63, 68, 296, 800; 43 CFR 3,7, 31, 3150, 3809, 3902.

11. Nevada BLM Manual Supplement 8143 - Avoidance or Mitigation of effects on Cultural Resources.

12. Cultural Resources Memorandum of Understanding - Informal Consultation Guidelines for Routine NO EFFECT Actions. Signed by the BLM, Nevada and the Nevada SHPO in May, 1985.

Appendix 6 Definitions

Adverse effect: Alteration of the characteristics or qualities which qualify a cultural property for the National Register to such a degree as to disqualify the property from eligibility.

Area of potential effect: The geographic area or areas within which an action may cause changes in the character or use of historic properties, if any such properties exist.

Avoidance: Preventing a potential adverse effect by the partial or complete redesign, or relocation, of an action.

Cultural resource: Any definite location of past human activity, occupation, or use, identifiable through inventory, historical documentation, or oral evidence. Cultural resources include archaeological, historic, or architectural sites, structures, places, objects, and artifacts.

With respect to traditional lifeway values, a cultural resource has the quality of being useful in or important to maintaining an identified social or cultural group's traditional system of (a) religious belief, (b) cultural practices, or (c) social interaction, not closely identified with definite locations.

Cultural Resource Property: Any physical evidence of former human presence more than 50 years old. Examples can include anything from a single isolated artifact (stone flake, projectile point, bottle fragment, etc.) to vestiges of an old trail, historic period dump or 19th century mining operation, to a large aboriginal village or historic town site. With the exception of isolates, cultural resource properties and sites are synonymous.

With respect to traditional lifeways, a cultural resource property is a definite location of traditional cultural or religious importance to an identified social or cultural group, whether or not represented by physical remains.

Data Recovery: The professional application of scientific techniques of controlled observation, contextual measurement, controlled collection, excavation or removal of physical remains, including the analysis, interpretation, explanation, and curatorial safeguarding of recovered remains and associated records in an appropriate public repository.

Effect: Any change in the characteristics or qualities of a cultural resource that qualify it for the National Register.

Historic property: Any prehistoric or historic district, site, building, structure, or object included in or

eligible for inclusion in the National Register. This term includes artifacts, records, and remains related to or located within a property.

Indian tribe: The governing body of any Indian tribe, band, nation, or other group that is recognized as an Indian tribe by the Secretary of the Interior.

Isolate: A single artifact, feature, or object not associated with other cultural resources. An isolate is not normally considered a property.

Large Property: A property with 21 or more artifacts.

Non-diagnostic Property: These properties are lacking time markers and cultural diagnostics. Artifact distribution is apparently random. There is no evidence for subsurface components and architectural and other features are absent.

Original: An original copy of a map, report, or site record can be a first generation reproduction that is sufficiently clear and clean so as to yield clean and clear copies of the material.

Preservation: Identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, reconstruction, or any combination of these activities applied to cultural resources

Probing: Probing to determine property dimensions (length, width, depth, stratigraphy, etc.) entails subsurface digging that does not significantly effect the property being probed. Methods will vary from case to case. Artifacts and other materials from probe holes will be collected and curated in accordance with these guidelines.

Property with diagnostics or spatial patterning: These properties contain culturally or temporarily diagnostic items or readily discernable spatial patterning corresponding to special activity areas or discrete chronological horizons.

Property with subsurface components, architectural features, or other features: These properties are characterized by diagnostics, spatial patterning, depth of deposit, or a high probability of depth, or with archaeological or historic features.

Proponent: The individual, organization, or BLM program proposing an action, land use, or undertaking within the jurisdiction of the BLM.

Proposed land use: Any use of lands or resources, BLM administered or not, which requires a BLM manager's formal approval. If a proposed land use might affect cultural properties, then term is synonymous with undertaking.

Small Property: A property with 20 or fewer artifacts.

Undertaking: any project, activity, or program that can result in changes to the character or use of a historic property, if any such resource is located in the area of potential effects. Undertakings are in effect, anything the BLM has discretionary decision making authority to do, or allow to be done, that could have an effect on historic properties.

Appendix 7 Curation Facilities

The following curation facilities in Nevada are certified by the American Museum Association (AMA), or meet their certification criteria, and can be used for collections from BLM administered lands.

1. The Nevada State Museum

Capitol Complex

Carson City, NV 89710

(702) 885-4810

2 Desert Research Institute

P.O. Box 220

Reno, NV 89506

(702) 673-7302

3 University of Nevada, Museum

4505 S. Maryland Parkway

Las Vegas, NV 89154

(702) 739-3382

4. Department of Anthropology

University of Nevada

Reno, NV 89557

(702) 784-6704

Other facilities may be approved for curation, if the permit request includes documentation that the facility is certified by the AMA, or meets AMA certification criteria, and contains a rationale for curation outside of Nevada.

Appendix 8 SHPO/ACHP Submission Format

A. SHPO

BLM submissions to the SHPO will contain the following information in the sequence presented below. This information can be presented in a cover letter or formal treatment plan, as required by the extent and complexity of the undertaking.

1. Introduction:

a. Summarize submission;

b. 106 phase;

c. Special considerations;

2. Undertaking:

a. Who, what, where, when, why, How;

b. Define and justify APE;

3. Identification efforts:

a. Records searches;

b. Inventory;

c. Exclusions;

d. Private property;

4. Affected Properties:

a. Description and location;

b. Historic Context;

c. Eligibility;

1. Criterion A;

2. Criterion B;

3. Criterion C;

4. Criterion D;

5. Effects:

a. no effect;

b. effect;

1. no adverse effect;

2. adverse effect;

6. Mitigation Measures:

7. Alternatives Considered:

- a. Deny Undertaking;
- b. Modify Undertaking;
- c. Other;

8. Public Participation:

- a. Who, when, why, How;
- b. Concerns/Response;

9. Native American Involvement:

- a. Who, when, why, How;
- b. Concerns/Response;

10. Concurrence Request:

- a. Cite specific CFR section for requested concurrence;

11. References Cited:

12. Figures:

- a. Maps:
 - 1. APE;
 - 2. Cultural Resources and Affected Properties;
 - 3. Drawings or Specifications;
- b. Other (as needed);

13. Tables:

- a. Summary of Affected Properties;
- b. Other (as needed);

14. Appendices:

- a. Data Recovery Plan;
- b. Inventory Reports;
- c. Correspondence;

1. Native American;
2. Public;

B. ACHP

1. **No Effect:** Pursuant to 36 CFR 800.5(b) the ACHP will not be consulted when the BLM and SHPO agree on a no effect determination.
2. **No Adverse Effect:** Pursuant to 36 CFR 800.5(d) The ACHP will be provided with summary documentation (as specified in 36 CFR 800.8(a)) when they are given notice of a no adverse effect determination.
3. **Adverse Effect:** BLM submissions to the ACHP for adverse effect determinations will contain the same information in the same sequence as a SHPO submission, except that it will include:
 1. A discussion of the SHPO consultation inserted after Section 9 above;
 2. Copies of SHPO correspondence included as an appendix; and
 3. A signed MOA included as a separate document.

Nevada Short Form

WordPerfect version

MS Word Version

Adobe Acrobat version

Nevada Resource Recordation Guidelines

Adobe Acrobat version

Historic Resources Worksheet

Adobe Acrobat version